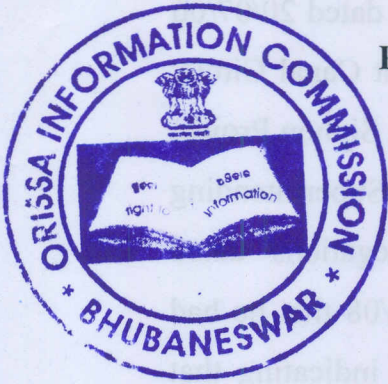


BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR



Present: Hon'ble Shri D.N.Padhi, SCIC  
and  
Shri Jagadananda, SIC

Date: 22<sup>nd</sup> May, 2009

Complaint Case No.473 /2007

Hemanta Kumar Panda,  
At/PO-Jaipatna ( Pradhanipada)-766018,  
Kalahandi district.....Complainant

-Vrs-

Public Information Officer,  
Office of the Superintending Engineer,  
Right Canal Circle,  
At/PO-Mukhiguda,  
Kalahandi district.....Opposite Party

Decision

1. Complainant Hemanta Kumar Panda is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006. Srikanta Choudhury, PIO, office of the Superintending Engineer, Upper Indravati Right Canal Circle, Mukhiguda, Kalahandi district and Mantri Mandan Sethy, Assistant Engineer, M.I., Sub-division, G.Udayagiri ,Kandhamal district are present. Heard. Perused the case record.
2. This case arises out of complaint petition dated 13/04/07 and heard by the State Commission earlier on 14/02/08 and 31/07/08.


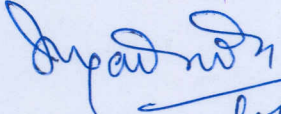
- BEFORE THE ORISSA INFORMATION COMMISSION  
Bhubaneswar
- ORISSA INFORMATION COMMISSION  
Bhubaneswar
3. Complainant had sought information in form A application dated 20/07/06 from the PIO, office of the Superintending Engineer, Right Canal Circle, Mukhiguda regarding irregularities in construction of Canal Siphon Project across Tel river near Chilpa and the enquiry report of the Superintending Engineer, Right Canal Circle, Mukhiguda on his allegations dated 05/06/06. In response thereto the PIO submitted on 14/02/08 that he had rejected the request vide letter no.4985 dated 08/12/06 indicating that “the enquiry process has not yet been completed and as soon as the enquiry is completed, the required information could be supplied”. This was in terms of Section 2 (f) of the RTI Act, 2005 ( Act for short). He further submitted that the Superintending Engineers, Rajendra Prasad Panda and K.K. Gupta were in the charge of Circles which were far away from the project site, and therefore, the enquiry could not be finalized during their period.
  4. The PIO had submitted on 14/02/08 that with the joining of the new Superintending Engineer enquiry was taken up on 31/10/07 and 14/12/07. A copy of the said enquiry report had, thereafter, been supplied, free of cost, to the Complainant vide letter no.217 dated 09/01/08. The PIO submitted that at the time the Complainant filed form A application, Mantri Mandan. Sethy was the PIO.
  5. As regards the delay, Mantri Mandan Sethy stated that the same occurred due to the time taking procedure of enquiry. Since the enquiry was not finalized he was unable to supply the copy thereof to the Complainant, within the specified timelimit under the Act. This was accepted by the State Commission as a valid stand under Section 2 (f) of the Act.

6. The State Commission after hearing the parties, and being convinced that there was no malafide intention to withhold any information, exonerated the PIO/referred PIOs with no orders on penalty. The case was disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 22<sup>nd</sup> day of May, 2009.



  
SCIC  
22.5.09  
  
SIC 22/5/09